

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

JAMES ANDERSON, individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

LOGITECH INC.,

Defendant.

Case No. 1:17-cv-06104

CLASS ACTION

Judge Harry Leinenweber

STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff James Anderson and Defendant Logitech, Inc. (“Logitech” and together with Plaintiff, the “Parties”) hereby stipulate as follows:

WHEREAS Plaintiff filed his First Amended Complaint against Logitech on April 5, 2018 (ECF 37);

WHEREAS Logitech filed its answer to the First Amended Complaint’s remaining claims after dispositive motion practice on April 22, 2019 (ECF 111);

WHEREAS there are two related actions, one of which is in California state court, *Parker v. Logitech*, No. RG15781276, pending in Alameda County Superior Court, and *Shapiro v. Logitech*, No. 3:17-cv-00673-FLW-TJB, pending in United States District Court for the District of New Jersey, each of which asserts similar putative class action claims on behalf of consumers;

WHEREAS the Parties engaged in mediation with a private mediator and have reached a global settlement that will resolve all of the pending related actions on a class-wide basis;

WHEREAS the Parties have submitted the proposed class-wide settlement to the Alameda County Superior Court, which granted preliminary approval on May 10, 2021;

WHEREAS under the terms of the settlement Plaintiff James Anderson agreed to dismiss this action without prejudice pending final approval of the class action settlement by the Alameda County Superior Court;

WHEREAS the final approval hearing is set for September 21, 2021 before Judge Brad Seligman of the Alameda County Superior Court;

WHEREAS Plaintiff's voluntary dismissal of this action is for purposes of judicial efficiency, shall not be considered a dismissal on the merits, and shall not entitle any party to claim that it is the prevailing party for purposes of any potential recovery of attorneys' fees and costs except as otherwise provided in the Parties' Settlement Agreement;

WHEREAS the Parties agree not to seek costs and/or attorneys' fees in connection with the dismissal of this action but reserve their rights to seek and recover attorneys' fees and costs before the Alameda County Superior Court in connection with this action pending resolution of the *Parker* matter consistent with the terms of the Settlement Agreement;

WHEREAS Defendant reserves all other rights and defenses to the claims asserted by Plaintiff individually and on behalf of the putative classes;

WHEREAS the Parties shall stipulate to a voluntary dismissal of this action with prejudice following the final approval of the class-wide settlement pending before the Alameda County Superior Court.

NOW THEREFORE, it is hereby stipulated and agreed by the Parties, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and subject to the order of the Court, that:

1. Plaintiff's First Amended Complaint is voluntarily dismissed without prejudice;
2. Plaintiff's claims are tolled pending final approval of the settlement pending before the Alameda County Superior Court;
3. The Parties shall stipulate to a voluntary dismissal of this action with prejudice following the final approval of the class-wide settlement pending before the Alameda County Superior Court; and
4. No party in this action shall be considered a prevailing party for purposes of recovery of attorneys' fees and costs.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: August 3, 2021

By:

/s/ Michael J. O'Malley

Michael J. O'Malley
David M. Holmes
WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER, LLP
55 W. Monroe Street
Suite 3800
Chicago, IL 60603
Telephone: (312) 704-0550
Facsimile: (312) 704-1522
Michael.O'Malley@wilsonelser.com
David.Holmes@wilsonelser.com
Counsel for Defendant Logitech, Inc.
One of Its attorneys

/s/ Matthew B. George

Laurence D. King (*pro hac vice*)
Matthew B. George (*pro hac vice*)
KAPLAN FOX & KILSHEIMER LLP
350 Sansome Street, Suite 400
San Francisco, CA 94104
Telephone: 415-772-4700
Facsimile: 415-772-4707
lking@kaplanfox.com
mgeorge@kaplanfox.com

Gary L. Specks
KAPLAN FOX & KILSHEIMER LLP
423 Sumac Road
Highland Park, IL 60035
Telephone: 847-831-1585
Facsimile: 847-831-1580
gspecks@kaplanfox.com
Counsel for Plaintiff James Anderson

CERTIFICATE OF SERVICE

The undersigned certifies that on August 3, 2021, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system which sends notification of such filing to all counsel of record.

By: /s/ Michael J. O'Malley
Michael J. O'Malley